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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 60027.0374USU1/BS98015	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]		Application Number 09/345,668	Filed June 30, 1999
on (sent by facsimile) January 3, 2007		First Named Inventor John Daniel	
Signature <u>Selina Moore</u>		Art Unit 2662	Examiner Dmitry Levitan
Typed or printed name <u>Selina Moore</u>			
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the		<u>Murrell W. Blackburn</u> Signature	
<input type="checkbox"/>	applicant/inventor.	Murrell W. Blackburn Typed or printed name	
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		
<input checked="" type="checkbox"/>	attorney or agent of record. Registration number <u>50,881</u>	404-954-5100 Telephone number	
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	January 3, 2007 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

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S/N 09/345,668

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John S. Daniel	Examiner:	Dmitry Levitan
Serial No.:	09/345,668	Group Art Unit:	2662
Filed:	June 30, 1999	Docket No.:	60027.0374usul/ BS 98015
Title:	METHODS AND SYSTEMS FOR PROVIDING AN EXTENSION SERVICE TO WIRELESS UNITS AND WIRELINE UNITS		

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on January 3, 2007.

By: 

Selina Moore

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Responsive to the final Office Action mailed on July 31, 2006, Applicant requests further reconsideration and examination in light of the following remarks and accompanying arguments, which are believed to identify clear error in Office Action rejections and omission of essential elements needed for prima facie rejections.

Remarks begin on page 2 of this paper.

REMARKS AND ARGUMENTS

This Pre-Appeal request for review is in response to the final Office Action mailed July 31, 2006. Claims 1, 2, 5, 7, and 9-18 are pending in this application. Applicants respectfully request reconsideration and continued examination in view of the following remarks and arguments.

I. The rejection of independent claims 1, 7, and 9-11 under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 6,011,975 to Emery based on an ISCP demonstrates clear error.

The limitation of a communications element routing a call pursuant to a wireless number where the communications element is operative to store a table comprising a wireless extension and a corresponding wireless number for wireless units and to receive routing instructions from an SCP is not met, taught, or suggested by U.S. Patent No. 6,011,975 to Emery, hereinafter 'Emery'.

The Office Action cites two AIN elements, an ISCP and an STP, in asserting that Emery discloses a single communications element recited in claim 1. (See Paper No./Mail Date 20060725 page 2, lines 13-15). This is a clear error in fact because, by definition and as disclosed in Emery, neither an ISCP nor an SCP executes routing or connecting of calls. ISCPs and SCPs store and distribute routing instructions to other, separate, communications elements but they do not execute routing of the calls in an AIN network. SCPs do not receive calls and thus, cannot route or connect calls, SCPs can only send messages to components that receive calls, such as SSPs that can receive, route, and connect calls. (See Emery column 2, lines 12-22 and U.S. Patent No. 5,430,719 to Weisser, Jr. hereinafter 'Weisser' incorporated by reference, column 6, lines 1-41). Moreover, two AIN elements, in this case an ISCP and a STP, do not disclose or suggest a single communications element as recited in the independent claims. (See argument of record in previous Amendment & Response mailed July 14, 2006, page 12, 2nd full paragraph through the 1st paragraph of page 13).

In response to the argument that an ISCP does not execute routing of calls, the Office Action cites column 20, line 45- column 21, line 52 of Emery and asserts that "an ISCP redirects/routes the call according to the service graph data." (See Paper No./Mail Date 20060725 page 6, lines 13-15). To the contrary, the Emery reference actually states in the cited section:

"For example, John Doe's service graph data might direct the system to terminate calls from a second list of potential callers by routing them to a mail box, to terminate calls for the third list of callers at certain times (say 5:00 to 8:00 PM weekdays) to a third party's destination number (for example an Associate in California) and to terminate all other screened out calls to a reorder tone. (See, column 21, lines 46-59).

As disclosed above, the service graph in the ISCP might direct the system to terminate calls by routing them to a mailbox or reorder tone, but the ISCP does not execute the routing as asserted in the Office Action. A communications element separate from the ISCP executes the routing. In Emery the separate communications element is an SSP. As disclosed in column 22, lines 30-34 of Emery below, the SSP executes redirecting of the call, not the ISCP. Whereas, the communications element recited in claim 1 stores the table with the wireless extension and routes the call pursuant to the wireless number.

"The ISCP again accesses the PCS subscriber's file and sends a message to the SSP to transfer or redirect the call to an alternate termination point indicated in the subscriber's service graph. The SSP then terminates the call in the manner specified by the service graph."

Thus, amended claim 1, and claims 7 and 9-11 having similar recitations, are allowable over Emery.

II. The rejection of independent claims 1, 7, and 9-11 under 35 U.S.C § 103(a) as being unpatentable over Emery based on the proposed modification to Emery omits essential elements needed for a prima facie obviousness rejection.

The Office Action states that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the communication element (ISCP 40 and STP 31) with the MSC in the system of Emery to improve the system connection setup time for the wireless customers if the majority of the Centrex Group are wireless." (See Paper No./Mail Date 20060725 page 4, 1st paragraph). This rejection omits a proper suggestion or motivation, either in Emery or in the knowledge generally available to one of ordinary skill in the art, to modify Emery because the Emery reference leads away from the claims, the proposed modification changes the principle of operation of Emery, and the prior art does not suggest the desirability of the claimed invention. (See argument of record in previous Amendment & Response mailed

July 14, 2006, pages 13-14). None of the objectives of Emery teach or suggest a desire to improve connection setup time by sacrificing the centrality of an SCP. (See Emery column 7, lines 44-67). Also, conventional knowledge at the time of the invention leads away from combining the SCP and an MSC as proposed by the Office Action:

“It is significantly more economical to provide a few central locations at which the lookup of the directory number for an 800 call can be made than to provide the translation information redundantly at many central office switches. (See Weissner column 6, lines 9-13).

Thus, the motivation or suggestion to modify Emery “to improve the system connection setup time for the wireless customers if the majority of the Centrex Group are wireless” did not exist at the time of the invention unless it was based on Applicants’ disclosure.

The rejection also omits a proper reasonable expectation of success because it is unpredictable as to how integrating an ISCP with a MSC will affect wireless and wireline users who are not part of a Centrex Group in the same region that the ISCP serves as a centralized component including those traveling through the region. (See Emery, Figs. 1 and 2 where the ISCP services other components besides the Mobile Controllers (MC)). Thus, the prior art references do not teach or suggest all claim limitations of claim 1 as required by MPEP 706.02(j). (See argument of record in previous Amendment & Response mailed July 14, 2006, page 14). The teaching or suggestion to modify Emery and a reasonable expectation of success must be found in the prior art and not based on Applicants’ disclosure. As described above, the suggestion to modify Emery is not found in the prior art. Therefore, amended claim 1, and claims 7 and 9-11 having similar recitations, are allowable over Emery.

Dependent Claims 2, 5, and 12-18

Regarding claims 2, 5, and 12-18, Applicant submits that claims 2, 5, and 12-17 are in condition for allowance by virtue of their dependency on allowable claims 1, 7, 9, 10, or 11. MPEP §2143.03 citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Accordingly, Applicant respectfully request reconsideration of the rejection to the claims 2, 5, and 12-18.

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Conclusion

In view of the above remarks and arguments, Applicants respectfully request a Pre-Appeal Brief review the rejections with a panel decision either allowing the existing claims or proposing an amendment that may result in an indication of allowability for the contested claim(s). If the panel believes a telephone conference would advance the prosecution of this application, the Examiners are invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD, LLC
404-954-5100

Date: January 3, 2007

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